
SENATE BILL No. 468

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1-9-19; IC 34-30-2-98.3.

Synopsis: Reporting of impaired health practitioners. Requires a health care practitioner who has reason to believe that another practitioner has abused alcohol or other drugs to make a report to certain entities. Requires an entity that receives a report regarding alcohol or drug abuse by a practitioner to: (1) contact the practitioner and encourage the practitioner to enroll in a voluntary drug or alcohol treatment program; and (2) report the practitioner to the board that regulates the practitioner's profession if the practitioner refuses to enter or fails to successfully complete a voluntary treatment program. Requires the board that regulates the profession of a practitioner who has refused to enter or failed to successfully complete a voluntary treatment program to conduct an investigation to determine if the practitioner is subject to disciplinary action. Provides immunity from civil and criminal liability for a practitioner who makes a report in good faith of suspected drug or alcohol abuse by another practitioner.

Effective: July 1, 2001.

Miller

January 22, 2001, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 468

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-9-19 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]: **Sec. 19. (a) A practitioner who has reason to believe that**
4 **another practitioner has abused alcohol or other drugs shall make**
5 **a report as required by this section.**

6 **(b) A practitioner who has a duty under this chapter to report**
7 **that another practitioner has abused alcohol or other drugs shall**
8 **immediately make an oral or written report to one (1) of the**
9 **following:**

10 **(1) If the practitioner who is reported to have abused alcohol**
11 **or other drugs is a nurse licensed under IC 25-23, either of the**
12 **following:**

13 **(A) The impaired nurses program established under**
14 **IC 25-23-1-31.**

15 **(B) A drug or alcohol rehabilitation program operated or**
16 **endorsed by the Indiana State Nurses Association.**

17 **(2) If the practitioner who is reported to have abused alcohol**



or other drugs is a pharmacist licensed under IC 25-26, either of the following:

(A) The impaired pharmacists program established under IC 25-26-13-4.5.

(B) A drug or alcohol rehabilitation program operated or endorsed by the Indiana Pharmacists Alliance.

(3) If the practitioner who is reported to have abused alcohol or other drugs is a practitioner other than a practitioner described in subdivision (1) or (2), the state professional association for the affected practitioner's profession.

(c) Except as provided in subsection (d), a practitioner who:

(1) makes a report of alcohol or drug abuse by another practitioner; or

(2) participates in any judicial proceeding or other proceeding:

(A) resulting from a report made under this section; or

(B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions.

(d) A practitioner is not entitled to immunity under subsection (c) for actions described in subsection (c) that are performed maliciously or in bad faith.

(e) A practitioner who:

(1) makes a report that another practitioner has abused alcohol or other drugs; or

(2) assists in complying with any requirement of this section; is presumed to have acted in good faith.

(f) An entity described in subsection (b) that receives a report that a practitioner has abused alcohol or other drugs shall, within fourteen (14) days after receipt of the report, contact the practitioner and encourage the practitioner to enroll in a voluntary drug or alcohol treatment program.

(g) If a practitioner contacted under subsection (f):

(1) refuses to participate in; or

(2) fails to successfully complete;

a voluntary drug or alcohol treatment program, the entity that contacted the practitioner shall report the practitioner's refusal or failure to the board that regulates the practitioner's profession not later than fourteen (14) days after the entity receives notice of the practitioner's refusal or failure.

(h) A board that receives a report under subsection (g) shall, not later than fourteen (14) days after receipt of the report, initiate an

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1 investigation to determine if the practitioner is subject to discipline
2 under this chapter.

3 (i) A report made under this section:

4 (1) is confidential; and

5 (2) may be made available only to:

6 (A) an entity described in subsection (b); or

7 (B) a board described in subsection (g).

8 SECTION 2. IC 34-30-2-98.3 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2001]: **Sec. 98.3. IC 25-1-9-19 (Concerning**
11 **specified persons for making a report of suspected alcohol or drug**
12 **abuse by a health care practitioner).**

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